IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 21ST NOVEMBER 2007 / 30TH KARTHIKA 1929

CRP.No. 2497 of 2002(E)

OS.519/2000 OF MUNSIFF COURT,ATTINGAL

REVISION PETITIONERS/ PETITIONERS/ DEFENDANTS:-

1. **THE DISTRICT COLLECTOR, COLLECTORATE, THIRUVANANTHAPURAM.**
2. **R.R.DEPUTY TAHSILDAR, CHIRAYINKEEZHU.**
3. **DISTRICT REGISTRAR, THIRUVANANTHAPURAM.**

BY GOVERNMENT PLEADER SMT. BINDU.

RESPONDENT/ COUNTER PETITIONER/ PLAINTIFF:

THULASIDAS, S/O. NEELAKANTAN, DIVYA GARDENS, VETTOOR VILLAGE, NEDUMGANTA P.O.

BY ADV. SRI.M.BALAGOVINDAN,
ADV. SRI.P.M.JOSEPH.

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 21/11/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.KRISHNAN, J

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C.R.P. No.2497 OF 2002

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Dated this the 21st day of November 2007

ORDER

When the civil revision petition came up for admission, learned counsel for the respondent had contended that the C.R.P. is not maintainable in view of the specific provision under Order 43 Rule 1(d) of the Code of Civil Procedure. The orders passed in the petitions filed for condoning the delay and setting aside the ex parte are dismissed. The learned Munsiff dismissed the same. When an order under Order 9 Rule 13 C.P.C. rejecting an application (in a case open to appeal) an order to set aside a decree set ex parte, appeal is maintainable. When an appeal is maintainable, C.R.P. cannot be entertained. Therefore, C.R.P. is dismissed as not maintainable.

M.N.KRISHNAN, JUDGE

Cdp/-